IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9561 of 2005

Between:

Jogini Srinivas, s/o Bikshapati,
Owner of Sri Krishna Book Centre, Prakasam Bazar, Nalgonda.

..... PETITIONER

AND

The Nalgonda Municipality, Nalgonda rep., by its Commissioner.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring the order of the respondent issued in Roc.No.G1/1062/2005 dated 29-3-2005 as illegal, arbitrary, and one not authorised by law.

Counsel for the Petitioner:MR.O.MANOHER REDDY

Counsel for the Respondent: MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

The Court at the admission stage made the following :

ORDER:

This writ petition is filed seeking a declaration that the order of the respondent dated 29.03.2005 passed under Section 194(1)(iii) of the A.P. Municipalities Act, 1965 (for short 'the Act') calling upon the petitioner to remove the unauthorized construction of first floor within 30 days from the date of receipt of the notice as arbitrary and illegal.

Learned counsel for the petitioner vehemently contended that the impugned notice straight away directing the petitioner to remove the unauthorized construction is arbitrary, illegal and in violation of the principles of natural justice. He also contended that Section 194 of the Act does not attract to the case on hand and therefore, the initiation of the proceedings itself is not in accordance with law.

It is to be noted that the petitioner has already submitted a representation through his counsel stating that the proposed action is unwarranted and unjustified and requesting not to demolish the structures in question. The said representation was received in the office of the respondent on 06.04.2004. In the circumstances, the learned standing counsel states that the respondent will consider the said representation dated 06.04.2005, and appropriate orders will be passed in accordance with law before proceeding with the impugned order.

Accordingly, the writ petition is disposed of with a direction to the respondent to consider the representation of the petitioner dated 06.04.2005, and to pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. Till such time, the respondent is directed not to implement the impugned order dated 29.03.2005. However, it is made clear that in the meantime, the petitioner shall not proceed with any construction over the land in question. There shall be no order as to costs.

_____

26.04.2005

Jsu
To

1.The Commissioner, The Nalgonda Municipality, Nalgonda.

2 2 CD copies

3 1 CC to MR.POLISETTI RADHAKRISHNA (SC FOR MPL)